

OSDM /Services / Referrals Workgroup Notes

OSDM=Office of Substitute Decision Maker which is located in Iowa Code 231E

September 16, 2013

Members Present: Chantelle Smith (facilitator), Aubury Krueger, Betty Grandquist, Bill Nutty, Larry Kudej, Robert King, and Deanna Clingan-Fischer (notetaker)

Members Absent: Craig Block and Lori DeVries

Focus: It's All About Bob...and Mary

I. Lean Recommendations related to OSDM—everyone thought OSDM should be reinstated

- OSDM—State and local levels—should they be set up differently than in code?
- Reactivate 231E—sets up state office and allows for local offices (AAA regions). State office is the ultimate SDM. Serve as guardian/conservator, attorney-in-fact, representative payee as well as personal representative; state also provides education and training; state monitors the local offices. Iowa Code 231E also allows for interventions in guardianship/conservatorship cases.
- Originally funded with \$250,000 and conducted trainings, educations and interventions

II. Review 2012 Recommendations—sections of the report relating to our committee #4-allocation of service dollars & #6-Laws related to Power of Attorney (POA), Conservatorship abuse and OSDM

- ISBA (Iowa State Bar Association) tackling the uniform poa act
- ISBA has a proposed bill drafted for the uniform act
- Registration when POA in effect
- Rebuttable presumption of fraud
- Acknowledge roles as attorney in fact
- Civil protections and orders to stop abuse/exploitation
- Criminal sanctions for POA abuse
- Deny inheritance to fiduciary who exploits
- Informed consent consideration/undue influence
- Conservatorship abuse-need background checks;
- Courts responsible for appointing but do not necessarily monitor (wait for complaint)
- OSDM-Iowa Code 231E reinstituted #9-safe havens
- In abusive situation but nowhere to go
- LTC facilities with open beds and adult foster homes---are these an option?

III. Elder Abuse Initiative (EAI) report

- EAI objective—respond to persons at risk of elder abuse, neglect and exploitation; serve as a resource
- Performance reports on page 11 of EAI report

IV. Review existing systems—LEAN did this

- Systems fragmented and do not really come together
- Sometimes DHS/DIA come together because of some overlap
- Do not have collaboration and do not use each other to assist in the process

Discussion:

- A. Should the system be based on volunteers or private SDM programs? Volunteers—would need to ensure coverage to protect from liability and would need background checks. Probably not a good process to follow. Volunteers will not step up once they understand the responsibilities and roles.
- B. Reinstating OSDM
 - The first funds helped lay the foundation/groundwork
 - Do not want the appearance of having a system that we don't have.
 - If becomes a functioning project—it will probably sustain itself. Can charge fees
 - Can we look at the savings to the state if this amount funding authorized?
 - What are the efficiencies?
 - What can we show the legislature that we are considering which meet the needs of Iowans
 - Are there other vehicles to meet the needs other than AAAs?
 - VA can serve as attorney in fact for processing benefits/claims/appeals
 - Focus on young veterans coming back; children aged out of system and their parents are older and not able to care for them.
 - Alternative—state system; satellite offices/ agents that assume the role of a decision maker. If you want it to go somewhere—develop a system and an office that deals with it from top to bottom. Someone needs to sell it and sell it differently because past arguments have not been working.
 - Need to be able to transfer information between state agencies
 - Pitch it as an employee intensive effort, it does not go anywhere so we need to look at it differently
 - Show the problem differently but it does take resources
 - The essence of an Office rings of inefficiency. Can we repackage so that it looks like a service and incorporating into what we already do—seamless integration of what we are already doing.
 - Currently sounds like government intervention
 - Current law would need to be changed because it looks like it is state heavy

- Work with existing entities to ensure the work gets accomplished?
- Contract the services out but could then not utilize tort claims act protections
- Could we model after the public defender office system where attorneys are paid per case?
- Should we tackle one piece of the OSDM, like guardianship? Problem just picking one, however
 - **Idea:** Demonstration project limiting numbers for guardianship / conservatorships? Can demonstrate needs at all levels. When funding is received who handles the demonstration project?
- Show cost avoidance to the state
- Can we discover how other states are funding their public guardianship programs?
- Contact some states to see how they fund
- Volunteers to look at other laws and states to see what options are available; how much do they allocate for their program—**Chantelle and Aubury and Bill**. (If we have counterparts in other states we can **all** follow up and try to get information.
 - **Bill** will check with IME to see if the waiver will now pay for guardianship services
 - **Larry** will look at ABA
 - **Deanna** will follow up with NASUAD (National Association of States United for Aging and Disability) to see what is available
- Do we want to sell as demonstration project or tie in with adult abuse law for persons 60+?
- If we try to set up as a separate entity will probably not be funded.
- Can we change the name from office to network?
- Develop an elevator speech.
- Do we want to look to develop a volunteer network?
- Can we tie in with pro bono of the bar association?
- Include within the courts budget? Allow them to appoint people to pay from this fund?
- Veterans admin med center/veterans directed home and community services (VISN)—design their own package to stay at home. Check into this as an option for paying for services. **Aubury** checking with Offutt AFB.
- Review survey from OSDM study.
- Look at Josy's study to discuss findings. Can Josy invite Mike Klug to this meeting? (**Deanna** will follow up)
- Uniform Act will build in duties, responsibilities and sanctions if abuse powers; no criminal penalties but sets out civil remedies. **Larry** will send to the group.
- Need to look at services/referrals next time
- Need to review implementation schedule for OSDM